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DEPARTMENT OF CHILDREN AND
FAMILY SERVICES, and THE
DEPARTMENT OF MENTAL HEALTH
15
16 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

17 OCEAN S., *et al.*,
18 Plaintiffs,
19 v.
20 LOS ANGELES COUNTY, *et al.*,
21 Defendants.

CASE NO. 2:23-cv-06921-JAK-E

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF THE
COUNTY DEFENDANTS' MOTION
TO DISMISS FOR FAILURE TO
STATE A CLAIM UNDER
FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(6)**

[Filed Concurrently with Notice of Motion and Motion to Dismiss; Memorandum of Points and Authorities; and Declaration of Farbod Moridani]

Assigned to Hon. John A. Kronstadt,

Hearing Date: Jan. 27, 2025
Hearing Time: 8:30 a.m.
Action Filed: Aug. 22, 2023
Second Am. Compl.: Aug. 16, 2024
Trial Date: Not Set

1 The County of Los Angeles, the Department of Children and Family Services,
2 and the Department of Mental Health (together, the “County Defendants”)
3 respectfully submit this Request for Judicial Notice pursuant to Rule 201 of the
4 Federal Rules of Evidence in support of their Motion to Dismiss for Failure to State
5 a Claim under Federal Rule of Civil Procedure 12(b)(6) (the “Motion”).

6 **I. LEGAL STANDARD**

7 “The court may judicially notice a fact that is not subject to reasonable dispute
8 because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2)
9 can be accurately and readily determined from sources whose accuracy cannot
10 reasonably be questioned.” Fed. R. Evid. 201(b). A court “may take judicial notice at
11 any stage of the proceeding,” and “must take judicial notice if a party requests it and
12 the court is supplied with the necessary information.” *Id.* at 201(c)(2),(d).

13 Courts often take judicial notice of “undisputed matters of public record,”
14 including documents on file in federal or state courts. *Harris v. Cnty. of Orange*, 682
15 F.3d 1126, 1132 (9th Cir. 2012) (citations omitted); *see also Reyn’s Pasta Bella, LLC*
16 *v. USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (Ninth Circuit took judicial notice
17 of several court filings, including briefs, memoranda, and pleadings).

18 Courts also routinely take judicial notice of government policies and
19 guidelines. *See, e.g., Hernandez v. Cty. of Monterey*, 305 F.R.D. 132, 139 n.2 (N.D.
20 Cal. 2015) (taking judicial notice of agency manuals, rules, and policies); *Berezovsky*
21 *v. Moniz*, 869 F. 3d 923, 932 n.9 (9th Cir. 2017) (taking judicial notice of agency
22 servicing guidelines); *Lambert v. McKay*, 2020 WL 12893272, at *4 n.1 (W.D. Wash.
23 Nov. 9, 2020) (“The Court also takes judicial notice of the ICCF and Island County
24 policies underlying the claim asserted by plaintiff”). This includes “public records
25 and government documents available from reliable sources on the Internet, such as
26 websites run by governmental agencies.” *U.S. ex rel. Modglin v. DJO Glob. Inc.*, 48
27 F. Supp. 3d 1362, 1380-81, 1372 n. 26 (C.D. Cal. 2014) (taking judicial notice of the
28 contents of the Medicare Program Integrity Manual) (internal citations omitted.)

1 **II. DOCUMENT SUBJECT TO JUDICIAL NOTICE**

2 Pursuant to the above authority, the County respectfully requests that the Court
3 take judicial notice of the documents submitted with and attached as Exhibits to the
4 Declaration of Farbod Moridani.

5 1. Exhibit A: Plaintiffs' Opposition to Defendants County of San
6 Bernardino and Deborah Kay's Motion to Dismiss Pursuant to FRCP 12(b)(6) filed in
7 *Mueller et. al. v. County of San Bernardino et. al.*, 5:18-cv-00151-DSF-SP (C.D. Cal.
8 filed Apr. 9, 2018) (Dkt. 25).

9 Exhibit A is subject to judicial notice because it is a court filing and an
10 undisputed matter of public record. Fed. R. Evid. § 201(b)(1); *Reyn's Pasta Bella*,
11 442 F.3d at 746 n.6.

12 Exhibit A is submitted not for the truth of its contents but to set forth the
13 arguments presented to the court—specifically, that California Welfare and
14 Institutions Code section 16001.9(a) created a federal entitlement subject to
15 procedural due process. *See* Ex. A at 4-5, 12-13; Motion at 10-11.

16 2. Exhibit B: California Department of Health Care Services Behavioral
17 Information Notice No. 23-025 regarding Medi-Cal Mobile Crisis Services Benefit
18 Implementation (June 19, 2023) (<https://www.dhcs.ca.gov/Documents/BHIN-23-025-Medi-Cal-Mobile-Crisis-Services-Benefit-Implementation.pdf>).

20 Exhibit B is subject to judicial notice because it is a government document, the
21 contents of which can be readily verified from a reliable government maintained
22 website. *Modglin*, 48 F. Supp. 3d at 1381, 1372 n.26.

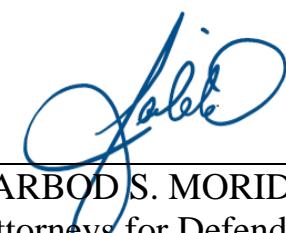
23 As reflected in Exhibit B, on June 19, 2023, the California Department of
24 Health Care Services ("DHCS") issued a new policy and guideline adopting Mobile
25 Crisis Services ("MCS") into the state's Medicaid plan (Medi-Cal) and directing
26 counties to begin providing MCS by December 31, 2013. Ex. B at *See* Motion at 19.

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1 **III. CONCLUSION**

2 The above documents are judicially noticeable records pertinent to the
3 County's concurrently-filed Motion. The County Defendants respectfully request that
4 the Court take judicial notice of these materials and consider them in connection with
5 the County's Motion.

6 DATED: September 23, 2024 MILLER BARONDESS, LLP
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8 By: 
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10 FARBOD S. MORIDANI
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13 of Children and Family Services, and the
14 Department of Mental Health